THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1196 of 2005

ORAL ORDER:

This writ petition is filed questioning the notice of sale dated 16.12.2004 in E.P.No.161 of 2003 on the file of the second respondent as arbitrary and illegal.

It appears, being aggrieved the orders passed under Section 71(1) of the A.P. Cooperative Socieites Act, 1964 in A.R.C.No.33141 of 2003 dated 17.2.2004, fixing liability of Rs.13,36,416/- against the petitioner, he filed C.T.A.No.35 of 2004 before the A.P. Cooperative Appellate Tribunal, Hyderabad. Meanwhile, it appears that the respondents have filed E.P.No.161 of 2003 in A.R.C.No.33141 of 2003 and the Tribunal, by way of interim order, stayed the auction on condition of petitioner depositing 50% of the decreetal amount. Petitioner seems to have deposited fixed deposit receipts of the first respondent-Bank for a value of more than 50% of the said amount. While that being so, the impugned sale notice was issued. Hence the writ petition.

On 22.11.2005 this Court granted interim order to the effect that the proposed sale may go on and it shall not be confirmed for a period of one week.

Now it is brought to the notice of the Court that the very C.T.A. was allowed on 31.1.2007 and therefore, no cause survives in the writ petition for further adjudication.

In view of the same, the writ petition is closed. No order as to costs.

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C.V.RAMULU, J

Date: 25.7.2007
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1196 of 2005

25.7.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.1196 of 2005

Date: 25th July, 2007

Between:

21st Century Hotel,
Khan Lateef Khan Estate,
Hyderabad, rep. by Shahid Agha

.. Petitioner

And

The Charminar Cooperative Urban BankLtd.,
represented by Manager/Recovery/SPA,
Hyderabad & another.

.. Respondents